

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LUPE OVALLES, ET AL.

§

VS.

§

CIVIL ACTION NO. 9:13cv301

STATE OF TEXAS, ET AL.

§

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiffs, individually, and personal representative of the estate of Tommy G. Chavez, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the defendants' motions to dismiss should be granted, and the complaint should be dismissed for failure to state a claim upon which relief may be granted. Additionally, the Magistrate Judge recommended the exercise of supplemental jurisdiction should be declined.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. Therefore, it is

ORDERED that the defendants' motions to dismiss are **GRANTED** and the action will be dismissed. Additionally, it is

ORDERED that the exercise of supplemental jurisdiction is **DECLINED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED September 12, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, Senior District Judge